

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12451-12500

[Approved by the Secretary of Agriculture, Washington, D. C., December 16, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12451. Adulteration of Brazil nuts. U. S. v. 5 Barrels of Brazil Nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18252. I. S. No. 6755-v. S. No. C-4233.)

On December 29, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 barrels of Brazil nuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Wood Selick Co., Chicago, Ill., on or about November 15, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 20, 1924, the United Bakers' Supply Co., St. Louis, Mo., having appeared as claimant and the matters involved having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12452. Misbranding of butter. U. S. v. Fred L. Hilmer (Fred L. Hilmer Co.). Plea of guilty. Fine, \$202. (F. & D. No. 17695. I. S. Nos. 11257-v, 11266-v.)

On November 10, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred L. Hilmer, trading as Fred L. Hilmer Co., San Francisco, Calif., alleging that the said defendant did deliver for shipment from the State of California into the Territory of Hawaii, in violation of the food and drugs act, on or about March 28 and April 24, 1923, respectively, two consignments of butter which was misbranded. The article was labeled in part: "1 Pound Net Weight Hilmer's Golden Poppy Brand Finest Quality Creamery Butter * * * Fred L. Hilmer Co. Distributors San Francisco, Cal."

Examination by the Bureau of Chemistry of 180 packages from each of the consignments showed that these samples averaged 15.83 ounces and 15.79 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Pound Net Weight," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas,